

ORDINANCE _____, SERIES 2007

AN ORDINANCE AMENDING AND RE-ENACTING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) REGARDING REGULATIONS GOVERNING SPECIFIC BUSINESSES; SECTIONS 115.220-223 SWIMMING POOLS.

SPONSORED BY: COUNCILMEN BLACKWELL, KRAMER AND DOWNARD

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I. Sections 115.220-223 are hereby reenacted as 115.220 -224 as follows:

SWIMMING POOLS

115.220 DEFINITIONS.

For the purposes of LMCO Section 115.220 through 115.224, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

DEPARTMENT. The Louisville Metro Department of Public Health and Wellness.

DIRECTOR. The Director of the Department of Public Health and Wellness, or a designee.

WATER SAFETY PERSONNEL. Collectively refers to a Lifeguard I, Lifeguard II, and Qualified Attendant, as those terms are defined in the Louisville Metro Board of Health Sanitary Code, Chapter 901.

OPEN. A swimming pool that has 6 or more bathers in the pool, or a swimming pool to which there is unlocked access to the facility.

PUBLIC SWIMMING AND BATHING FACILITY. Any natural or artificial body or basin of water which is modified, improved, constructed, or installed for the purpose of public swimming or bathing under the control of any person and includes, but is not limited to the following:

- (a) Beaches;
- (b) Swimming pools, wading pools, wave pools;
- (c) Competition swimming pools and diving pools;
- (d) Water slides and spray pools; and
- (e) Spas, therapeutic pools, hydrotherapy pools, and whirlpools

It includes those used by communities, subdivisions, apartment complexes, condominiums, clubs, camps, schools, institutions, parks, mobile home parks, hotels, recreational areas, etc.

It does not include facilities at single family residences intended only for the use of the owner or guests, or, any pool less than 18 inches in depth.

115.221 LIFEGUARDS REQUIRED; PERMIT.

(A) No person shall operate a public swimming pool or and bathing facility place within ~~Jefferson County~~ Louisville Metro unless there is in attendance at such pools or places at all hours during which the pools or places are open, one or more Water Safety Personnel ~~a lifeguard or lifeguards~~ duly qualified under the provisions of Chapter 901 of the Louisville Metro Board of Health Sanitary Code ~~this subchapter~~. Provided, however,

that this requirement does not apply to any public swimming and bathing facility exempted by Section 900.15 of the Louisville Metro Board of Health Sanitary Code Chapter 900.

(B) It shall be unlawful for any person to employ Water Safety Personnel ~~any lifeguard~~ unless such Water Safety Personnel ~~lifeguard~~ has obtained a certificate ~~permit~~ in writing from the Department ~~Director of Health~~.

115.2212 PERMIT QUALIFICATIONS; POSTING.

(A) Applicants for ~~permits~~ certificates shall file with the Department ~~Director of Health~~ an application in writing on ~~blanks~~ a form to be furnished by the ~~Director of Health~~ Department giving such information as the Director may require. No person shall be eligible for a ~~permit~~ certificate unless he/she meets all the requirements of the Louisville Metro Board of Health Sanitary Code, Chapter 901. ~~has a certificate duly executed showing that he has, within the year last past, successfully passed the Senior Red Cross Life Saving Test. Every permit shall be for a period of one year and shall entitle the holder thereof to qualify as lifeguard at any swimming pool or bathing place. The permit~~ certificate shall be of such design and bear such words and figures as may be prescribed by the Director of Health.

(B) The ~~permit~~ certificate shall be posted in a conspicuous place visible to the inspectors of the ~~Health~~ Department at the swimming pool or bathing place at all times during which the ~~lifeguard~~ Water Safety Personnel named in the ~~permit~~ certificate is on duty.

(C) The Department shall establish a fee to be paid for each original or renewal application for a Water Safety Personnel certification. Said fee shall not exceed the actual cost of the certification program.

115.2223 CONFORMITY TO HEALTH AND SANITATION REGULATIONS.

All swimming pools or bathing places shall conform to all health and sanitary regulations as prescribed by the State Board of Health, Department of Health, and the ordinances of the Metro Government, including the payment of all applicable permit and inspection fees.

115.2234 INSPECTIONS.

All swimming pools and bathing places shall be open for the purpose of inspection, at all times, by the duly authorized employees and officers of the Department of Health.

115.999

SECTION II. LMCO Section 115.999(G) is hereby amended to read as follows: (G)

Any person who violates any of the provisions of §§ 115.220 through 115.2234 shall be fined not less than \$100 nor more than \$4500 for each offense. Each day on which a swimming pool or bathing place is operated in violation of these sections shall constitute a separate offense.

SECTION III. This ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

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